

worked with Mr. Grasiz in the State, and she wrote in support of his nomination:

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law.

He possesses an even temperament well-suited for the bench, and always acts with respect to all [who] interact with him.

In addition, a letter from the current and previous presidents of the Omaha Bar Association stated that the Omaha legal community supports Mr. Grasiz's nomination "without hesitation." The letter goes on to say that he "possesses the legal expertise, professionalism, character, and ethics that are demanded of a Judge on the Eighth Circuit Court of Appeals."

The local legal community—both government officials and private attorneys—overwhelmingly attest not just to Mr. Grasiz's impressive qualifications but to his commitment to fairness and the rule of law.

Through his decades of legal practice, Mr. Grasiz has shown that he is the right choice to serve on the Eighth Circuit. I am proud to join with our colleagues from Nebraska in supporting Mr. Grasiz's nomination. I look forward to voting to advance this nomination later today and to confirming all three of these circuit court nominees this week.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Leonard Steven Grasiz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. The Senator from Utah.

RECOGNIZING JAMES WILLIAMS AND NICK CLASON

Mr. HATCH. Madam President, before I turn to the main portion of my remarks, I would be remiss if I failed to recognize two staffers who were instrumental in helping us pass the Tax Cuts and Jobs Act earlier this month—James Williams, my senior policy adviser, and Nick Clason, a talented young staffer. Both worked long hours to help make tax reform a reality. I wanted to take just a brief moment to recognize them for the late nights they

spent helping me to hash out the details of this bill. They are some of the hardest working members of my staff, and I hope they know how much I appreciate them.

AMERICA'S ROLE IN GLOBAL AFFAIRS

Madam President, I wish to turn to a subject of great importance to our national security. This morning's terrorist attack reminded all of us that danger is never far away from our Nation's shores. While details about the bombing in New York are still emerging, we already know one thing for certain: This was an attack not only on the American people but on the principles that we stand for. It was an attack on our freedom and our very way of life.

The violence we witnessed this morning stands as a stark reminder that America has many enemies. Overseas, animosity toward the United States grows stronger as the world grows ever more chaotic, so today I wish to speak on America's role in these turbulent times.

As the Trump administration works to return our country back to its rightful role as the leader of a broken world, you will find my foreign policy recommendations today to be not only intrinsically American but also inherently good. My solution to the chaos that now grips the world is the simple principle articulated by President Reagan over 30 years ago in his "evil empire" speech. Addressing the National Association of Evangelicals, he said these words:

America is good. And if America ever ceases to be good, America will cease to be great.

To be sure, we find ourselves in a world very different from that which President Reagan faced. Today, the structured diplomatic environment we once operated in has come into question with the fall of local governments in much of the Middle East. Global alliances, while strong in the commitments and connectivity among member nations, are weak in direction and long-term purpose. Political narratives of states—once stable and predictable—must today compete with the conversations being had on the streets and in the classrooms by those with access to mobile phones and social media.

Since Reagan's time, the world has not only grown more complicated but also more dangerous. The threat of state-on-state military showdowns seems imminent—particularly with North Korea and Iran.

Where we had achieved military successes, we remain reluctant to declare victory, as is the case with ISIS, and to deal with the most intractable issues, such as the conflicts in Syria, Afghanistan, and Iraq, we seem to rely on partner nations that often work at cross purposes with our own objectives.

How has the United States engaged with this chaos? In many cases, President Obama sought to ignore it altogether. Indeed, if his foreign policy could be boiled down to two words,

they would be these: "Stay out." The Obama administration spent the better part of 8 years making disengagement a cornerstone of American foreign policy, captured by the euphemism "off-shore balancing"—in other words, deferring to local actors to manage regional problems.

The Obama doctrine offered easy answers to complex problems, but easy answers are rarely the right answers, and a gradual U.S. withdrawal from an increasingly chaotic world under President Obama only made matters worse. Thanks to the hands-off approach of his predecessor, President Trump inherited a truly unprecedented state of world disorder.

Despite these great challenges, our ability to achieve good in the world has not diminished. If we are to achieve good in the world—if we are to restore peace and stability in these troubled times—then we must first rediscover our purpose in global affairs. We must make an honest assessment of where we have gone wrong in the past and how we can improve in the future.

In our engagement with the world, we seem to have drifted far from how we used to do things. The foreign policy of President Obama, for example, chose to transact in one of two words: "threats" and "interests." How big is the threat to national security that ISIS or a nuclear Iran possesses? What is the U.S. interest in Syria? How do we preserve American security and interests in the South Pacific? Under this myopic approach, anything that didn't fit neatly into either a threat or interest was of little importance. The foreign policy of the Obama years put the United States in a short-term responsive mode, with little capacity to ask about the future.

Rediscovering our purpose in the world requires us to look beyond mere considerations of threats and interests. It requires us to reconnect with our core values by making them central to our foreign policy. Foremost among those values is promoting freedom. Freedom is what we stand for as a nation. As President Reagan said:

America is freedom—freedom of speech, freedom of religion, freedom of enterprise. And freedom is special and rare. It's fragile; it needs protection.

President Bush carried this tradition, squarely identifying the perpetrators of the 9/11 attacks as enemies of freedom. As he keenly observed, what divided the United States from its adversaries was not faith, not skin color, not gender or race, but hatred of America and the freedoms it stands for.

President Bush did not mince words in describing exactly who our enemy was. Following the 9/11 attacks, he described those who committed the attacks as belonging to "a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics, a fringe movement that perverts the peaceful teachings of Islam."

In his use of the phrase "Islamic extremism," President Bush was not

afraid to call the enemy by its name, and neither were our Muslim allies who joined us in the fight against terrorism. In the name of political correctness, President Obama refused to use the words “Islamic extremism,” insisting instead on the vague expression “violent extremism.”

This small but consequential change caused deep conceptual and bureaucratic damage to our strategy and our institutions. Not only did the Obama administration distract us from gaining understanding of who the adversary is and the tools needed to fight and understand him, but it also deemed irrelevant once-successful government programs on the grounds that they did not adequately address this beltway term of “violent extremism.” Meanwhile, jihadist groups outpaced and outmaneuvered Obama’s sophistry by strategically embedding themselves within local populations in Syria and Iraq, disguising themselves as moderate and protective of local populations.

In place of the feckless foreign policy of the Obama years, I offer instead of global policy defined by one word: “purpose.” With purpose, we can look to the future and address the kind of legacy we hope to leave behind. With purpose, we can define what it is we seek to achieve in the world, where we can make a difference, and how we can effect lasting change on a global scale.

Rediscovering our purpose in global affairs doesn’t mean giving up our focus on threats and interests. Quite the opposite, it means ensuring that the way in which we address threats and interests helps us achieve our ultimate goal—that of ensuring freedom in the world.

Today’s world offers many opportunities to act with renewed purpose in the defense of freedom. In Syria, for example, a collapsing ISIS caliphate and a bloody civil war leave a traumatized population in their wake. While a political solution for all of Syria seems remote, we can work toward meaningful goals in the near term to help resettle internally displaced persons. Although much of the country remains at war, we should focus on helping the most vulnerable populations within these pockets of promise—those neighborhoods in Northwest Syria and along the Jordanian and Israeli borders. Within these pockets of promise, we can change people’s lives—and ultimately, the region—by working with our local partners to build hospitals and schools with modern curricula.

In Iran, too, we can make a difference. The President’s recent decision to decertify the Iran deal was itself a step in the right direction. The Iran deal singlehandedly gave international legitimacy to an enemy regime openly committed to the destruction of the United States and its allies. This deal was indeed a bad one; its only achievement, if it can be called such, was deferring the question of when, not whether, Iran will be able to achieve a nuclear weapon. It only hardened the

hostile voices against the United States, allowing them to build a case that those who oppose the deal are enemies of the Iranian people. This assertion is plainly false. As the President noted in his address to the United Nations, the good people of Iran want change, and they are the regime’s longest suffering victims.

The President now has the opportunity to act with renewed purpose in the region, dealing a final blow to the Ayatollah’s antics. Moving forward, as we leverage military strength to disrupt the regime’s hostile activities around the world, we can also actively use diplomatic channels to support the wishes of the Iranian people—to promote their freedoms and to help them realize the opportunities their government denies them.

Meanwhile, in North Korea, as we prepare for any scenario that might await us, we must acknowledge our ultimate strategic advantage—our allies. The greatest threat to Kim Jong Un is that he is completely isolated from his neighbors and his people.

As we seek diplomatic approaches to deescalating the tensions, we must ensure that it is the right kind of diplomacy with the right message—a message about the future of the region and the future of a new North Korea in that region. If Mr. Kim does not realize the need to change his ways, then certainly he will get that message when he sees the might of his neighbors working with the United States toward shared objectives. That is the power of alliances, of strong and loyal partnerships.

Even as we resolve to do good in these situations, we must remain as vigilant and aggressive as ever in meeting the threats that no doubt will continue to test us. The key will be to stand true to ourselves and our allies. That is what we did when the President recognized Jerusalem as the capital of Israel last week. That is what I sought to do in my meetings with Prime Minister Theresa May and MI5 Director-General Andrew Parker during my visit to the United Kingdom last month. There, I highlighted the need to pass legislation to enable our two nations to work more closely together in the fight against terror and criminal activity.

We talked about my International Communications Privacy Act, which would create a clear legal framework for law enforcement officials who access data relevant to criminal investigations stored in other countries. We also spoke about legislation to implement the U.S.-U.K. data-sharing agreement, which would give law enforcement in our two countries reciprocal rights to access data stored in the other country under certain prescribed circumstances. I told the Prime Minister and the Director-General that I believe these two pieces of legislation are closely linked and that I am actively looking for vehicles to move them forward.

This is precisely what President Reagan meant when he welcomed

Prime Minister Margaret Thatcher to Washington upon assuming the Presidency: Our two countries are “kindred nations of like-minded people and must face their tests together. . . . [For indeed], the responsibility for freedom is ours to share.”

It is when America realizes its purpose—to do good in the world by defending freedom—that our greatness will be known. As we bring ourselves out from the margins of international affairs and piecing together the broken shards of that world order we have worked for decades to shape, let us help the administration and the country rediscover the purpose we were destined to pursue. Only then, and only together, will we be able to make America and the world great again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Madam President, I rise today in support of the nomination of Steve Grasz to the U.S. Court of Appeals for the Eighth Circuit. One of the most important things this Senate has done this year and will do for the remainder of the year—and, in fact, well into 2018—is to consider nominees to the Federal courts.

When I talk to Nebraskans, I constantly hear from women and men who tell me that the No. 1 issue they care about when they vote for President is the judiciary. Nebraskans want judges who understand that judges are not lawmakers. Nebraskans want judges who understand that a lifetime appointment isn’t designed to do politics. Nebraskans want judges who understand that the courts are to uphold the laws fairly and impartially.

My colleagues and I on the Judiciary Committee agree with those Nebraskans from townhalls and coffee shops and Rotary clubs. In the Judiciary Committee, we have worked to advance a record number of judges who know exactly that. We are looking for thoughtful men and women of integrity. That is why it is a pleasure today, it is an honor today, to come to the floor in support of Steve Grasz.

Steve is a Nebraskan through and through. He is a fifth-generation Nebraskan who grew up on a family farm—walking beans, raising sheep and pigs, branding cattle. When he was a young man, life in the Nebraska Panhandle taught him hard work. He then moved east to Lincoln, where the University of Nebraska taught him the law.

Steve graduated at the top of his class and then put his law degree to work serving his fellow Nebraskans. He served as the chief deputy attorney general for our State for nearly a dozen years. Steve’s job was to represent the people of Nebraska in court. That means he was bound by the law and by his professional duty to defend our laws, including our State’s ban on the gruesome procedure known as partial-birth abortion.

In his role in the Nebraska AG’s office, he litigated multiple cases in

front of the U.S. Supreme Court, the Nebraska Supreme Court, and the U.S. Eighth Circuit, to which he has now been nominated by President Trump. Every time he represented us in court, Steve did so with integrity, with humility, and with decency. That is just what Nebraskans do.

Steve bleeds Husker red, but he is now ready to put on a judge's black robe. He knows that judges in America don't wear red or blue partisan jerseys. He knows that policy preferences, whether his or anyone else's, have no role in how a judge applies the law. He knows that, in his courtroom, two things matter and only two things—the facts and the law.

Anybody who wants to ensure that Steve will approach his job as a judge without partisan or ideological bias should listen to the words of hundreds of Nebraskans who have spoken out in support of Steve's nomination.

Democrat Ben Nelson, Nebraska's U.S. Senator from 2001 through 2013 and, before that, our Governor for 8 years, offered this testament to Steve's fitness for office:

I first got to know Steve when I served as Nebraska's Governor and he served as our state's Chief Deputy Attorney General. . . . With me as a Democrat and him as a Republican, we sometimes found ourselves disagreeing on policy; nevertheless, I quickly learned that Steve was the kind of consummate professional who is capable of putting whatever personal views he may have aside when appropriate in his capacity as a public servant. . . . If Steve is confirmed, I fully expect him to follow the law and the facts in each case because I know his loyalty is first to the rule of law, rather than to any personal views he holds on matters of policy. He possesses first-rate legal skills and a respectful, even-keeled temperament, key ingredients in the making of a good judge. As a Nebraskan, I hope our state has the opportunity to benefit yet again from Steve's public service in this new role.

Then there is Deborah Gilg, who was President Obama's choice to be U.S. attorney for the District of Nebraska, who served in that office from 2009 through 2016. She wrote glowingly to our committee of Steve:

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him. . . . Without a doubt, he would be a tremendous asset to the bench as he demonstrates excellence in all that he does.

Madam President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 31, 2017.

Hon. CHARLES E. GRASSLEY,
Chairman, U.S. Senate,
Committee on the Judiciary, Washington, DC.

Hon. DIANNE FEINSTEIN,
Ranking Member, U.S. Senate,
Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: I write to you today to express my strong support for the nomination of L. Steven Grasiz to the United States

Court of Appeals for the Eighth Circuit. I have no doubt that Steve possesses the skills, character, and temperament necessary to make him an excellent member of that court.

I first got to know Steve when I served as Nebraska's Governor and he served as our state's Chief Deputy Attorney General. During his nearly twelve-year tenure in that senior position, Steve won my respect by putting his considerable skills to work as an effective legal advocate for our state. With me as a Democrat and him as a Republican, we sometimes found ourselves disagreeing on policy; nevertheless, I quickly learned that Steve was the kind of consummate professional who is capable of putting whatever personal views he may have aside when appropriate in his capacity as a public servant. He was an asset to our state, and Nebraskans benefitted from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.

If Steve is confirmed, I fully expect him to follow the law and the facts in each case because I know his loyalty is first to the rule of law, rather than to any personal views he holds on matters of policy. He possesses first-rate legal skills and a respectful, even-keeled temperament, key ingredients in the making of a good judge. As a Nebraskan, I hope our state has the opportunity to benefit yet again from Steve's public service in this new role.

Sincerely,

BEN NELSON,

United States Senator for Nebraska, 2001–2013.

TIME HEALTH,

Omaha, NE, September 19, 2017.

Re L. Steven Grasiz.

Chairman CHUCK GRASSLEY,
Senate Judiciary Committee, Washington, DC.
Ranking Member DIANNE FEINSTEIN,
Senate Judiciary Committee, Washington, DC.

I am writing to enthusiastically recommend Steve Grasiz for the vacancy on the 8th Circuit Court of Appeals. I have known Steve since 1991 when he became Chief Deputy Attorney General for the State of Nebraska. At that time, I was the elected County Attorney and/or appointed County Attorney for several Western Nebraska rural counties. I relocated to Omaha in 2002 and in 2009 I became the U.S. Attorney for Nebraska until March 10, 2017. At present, I am the Vice-President, Chief Operating Officer and General Counsel for Time Health, a healthcare management corporation. I should also mention that I am a Democrat and it is with great confidence that I recommend Steve.

Steve has always enjoyed a reputation for honesty, impeccable integrity and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him. I am confident that he is well-versed in legal principles, has keen legal analytical skills and outstanding oral and written skills. Without doubt, he would be a tremendous asset to the bench as he demonstrates excellence in all that he does.

Finally, I think it is important to have a jurist that has an agricultural background and understands that not all things legal revolve around urban areas. He still owns land in Western Nebraska and quite clearly is a product of and proud of his agricultural roots.

I look forward to your support of his nomination.

Sincerely,

DEBORAH R. GILG,

Vice-President and General Counsel.

Mr. SASSE. Madam President, Steve's reputation for honesty and integrity and decency have earned him bipartisan support across Nebraska.

I am a bit sad in that, when I got here to Washington, this nomination took a bit more of a partisan turn before the committee. Happily, we have the chance to do the right thing here in the full Senate tonight and return to a bipartisan tone. I hope that my colleagues will listen to the broad array of Nebraskans of all ideological and partisan views and support Steve's nomination tonight.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

NEW YORK CITY ATTEMPTED TERROR ATTACK

Mr. SCHUMER. Madam President, first, this morning, as everyone knows, there was an attempted terrorist attack in New York City, near the Port Authority bus terminal and very close to Times Square. I was about 15 blocks away when that happened. Thankfully, praise God, the attack was a failure, and the only serious injuries were sustained by the would-be perpetrator.

On mornings like this, I am even more thankful—and I am thankful all the time—for the service of the New York City Police Department, the Port Authority Police Department, the New York City Fire Department, and the bomb squad, that responded so quickly to the scene. Today was a startling reminder as to why the “See Something, Say Something” campaign is so crucial to keeping our city safe and why we must always, always, always be vigilant against the threat of terrorism.

Madam President, on judicial nominations, this evening, the Senate will vote on whether we should consider the nomination of Leonard Steven Grasiz to be a judge on the Eighth Circuit Court of Appeals. The nomination is significant because Grasiz is just the third nominee since 1989 to be unanimously deemed “not qualified” by the American Bar Association. To underscore that fact, the ABA has reviewed over 1,700 judicial nominees since 1989. Before this administration, only two were ever unanimously deemed “not qualified.” Those two nominated by President Bush were not confirmed. The nominee we are voting on this evening is the third.

A panel of nonpartisan legal experts unanimously concluded that this man is not fit to be a judge. What else do my colleagues need to know? They should all vote no this evening.

Instead of withdrawing the nomination and finding someone better, which is what President Bush did in a similar

situation, some of my Republican colleagues have started attacking the ABA.

The junior Senator from Texas said:

The ABA's record on judicial nominations has been highly questionable. It has demonstrated over past decades repeatedly partisan interests and ideological interests.

I don't remember my colleague from Texas complaining when his party was touting then-Judge Gorsuch's favorable rating from the ABA. I heard over and over again from my Republican colleagues that he received a favorable rating from the ABA. All of a sudden, they attack it.

Leader MCCONNELL once likened a "well qualified" rating from the ABA to "getting straight A+'s on your report card." That is what Leader MCCONNELL said. Now Members of his party are singing a much different tune, as not one but two of President Trump's judicial nominees have received unanimously "not qualified" ratings.

Unfortunately, this is indicative of what has become part of the Republican playbook—a playbook that Donald Trump specializes in, and unfortunately my colleagues are joining right in. If you don't like the message, shoot the messenger. If you don't like what the CBO is saying about healthcare, attack the CBO even if it is your hand-picked Director. If you don't like what the Joint Committee on Taxation is saying about your tax bill, attack the JCT even if it is using the exact type of economic model that you asked it to use. If you don't like what the ABA is saying about judicial candidates, call it partisan even if you praised its judgment only a few months ago.

This is the Republican Party of President Trump, who, instead of mounting a credible defense of his record by using facts and arguments, will resort to shooting the messenger, whether that is Special Counsel Mueller, the CIA, the intelligence community, or the entire FBI. Imagine attacking the entire FBI. I know those agents. They are so dedicated to the country—they are nonpolitical—but when they investigate President Trump because he might be doing something wrong, he just attacks them recklessly.

The same thing has happened with our Republican colleagues. Like President Trump, when Republican lawmakers don't agree with what independent arbiters are saying, they try to discredit them. These attacks may suit their short-term political interests, but it is going to have a devastating effect on our country. A tax bill that explodes the deficit and raises taxes on millions of middle-class Americans may pass, but Republicans refuse to believe the analyses that say it does. Our Federal judiciary may be filled with unqualified candidates—lifetime appointments, mind you—because Republicans refuse to trust the advice of independent legal experts.

More importantly, these attacks in important ways diminish our democ-

racy. We are a country founded on facts. People have different views once they view those facts, but we are founded on facts. That is what the Founding Fathers did at the Constitutional Convention—they debated, but they started from the same fact base. That is what the townhall meetings throughout America have done for two centuries and more. They are beautiful. They debate, they discuss, but people accept a row of given facts. That is what we are supposed to do here in the House and Senate, and for many years we did. Now, led by President Trump, facts don't seem to matter. Anything he doesn't like he calls fake news, even though it is real. He contradicts himself. He says one thing one day and one thing the next, and it doesn't even matter. That is him, and he was elected, but why are our Republican colleagues so willfully going along? Why are they not saying that truth matters? Why do they attack the ABA, which has been nonpartisan and has had a grand tradition for decades? When the ABA approved Judge Gorsuch, they embraced it.

This is not a good thing for democracy. American democracy depends on our ability to work together on a common baseline of facts to find solutions that work in the real world. We can't do that if Republicans are going to discredit or ignore the judgments of agencies like the CBO, JCT, and ABA. We will end up with an even less productive debate here in Congress—something that no one will like and the American people can ill afford.

REPUBLICAN TAX BILL

Finally, Madam President, a word on the President's tax plan—the Republican tax plan. For months, Republicans have promised that the \$1.5 trillion tax plan would reduce the deficit through economic growth—never mind the multiple analyses that concluded the exact opposite.

Just today, three new analyses of the Senate Republican tax bill came to the conclusion that the bill would not reduce the deficit but, rather, explode it, including a report by the Trump administration's own Treasury Department.

The Tax Policy Center estimated that the tax plan would result in only \$179 billion of growth, leaving a \$1.4 trillion trail of red ink on the deficit and increasing our debt-to-GDP ratio by over 5 percent.

Another analysis of the Senate Republican plan using the Penn Wharton model found that even with assumptions favorable to economic growth, the Senate tax bill will increase debt by over \$1.5 trillion over the next decade.

Amazingly, the Trump administration's Treasury Department released a one-page report estimating that the bill would pay for itself but only if you factor in rosy assumptions of growth that were included in the President's budget and are widely discredited by economists of all stripes. The Presi-

dent's budget request assumed the passage of entitlement reform and an infrastructure bill, both of which have not been proposed or written, let alone enacted. So even with this audacious use of fake math, the Treasury Department's analysis has to assume that the yet-to-be-proposed bills are passed in order to say that it doesn't add to the deficit.

No amount of fake math can change the fact that the Republican tax bill will be a boon to the wealthiest Americans and largest corporations while increasing taxes for millions of middle-class families and leaving 13 million people without healthcare. As all three reports prove today, it will add over \$1 trillion to the debt and deficit, starving our ability to invest in infrastructure, education, and scientific research, and endangering Social Security, Medicare, and Medicaid.

Republicans still have time to turn back from this ugly, awful bill, which is widely disliked by the American people, and work with Democrats on real, bipartisan tax reform that actually lowers taxes for middle-class families and stimulates economic growth without adding a penny to the deficit.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRLINE FEES

Mr. NELSON. Madam President, we are just about to enter the holiday season. The traffic is already picking up. We could call it the great holiday migration that is going to be underway. Millions of people will be traveling to see their loved ones—their families, their friends—and they will be visiting by airplane. They are going to get a big surprise when they head to the airline ticket counter or try to check in online and face a blizzard of what the airlines call ancillary fees.

For years, many of us on the Commerce Committee have been pushing the Department of Transportation to adopt rules that would require a standardized disclosure statement for common airline fees, such as bag fees, change and cancellation fees, and priority boarding and seating fees. Comparing this to when one applies for a credit card, there is a box on the back of the application that shows the annual fee of the credit card, the interest rate, and any other fees. Consumers have this so they can compare adequate data to adequate data. We like to call it comparing apples to apples. Therefore, the consumer can know what it is they are looking for and choose the credit card they want. So it is a commonsense solution in the airline business that you would want to do for consumers, to make sense of all

those different fees on an airline ticket.

Well, there was some progress on this earlier in the year when the Department of Transportation proposed a rule to require airlines to disclose bag fees to consumers when they purchased a ticket. Last week, however, the White House directed the Department of Transportation—the administration did this for all of those airline holiday travelers. They put a big lump of coal in their Christmas stockings when they abruptly canceled the proposed rule of the Department of Transportation that you were going to know what those fees were upfront when you purchased the ticket, along with another rule that would have required airlines to tell the public how much money the airline is charging for all the other ancillary fees. Those proposed rules were withdrawn. Well, that is just not in the interest of the traveling public. That is not in the interest of consumers, and it should not be any skin off the airlines' back to just show what the fees are upfront so the consumer understands that.

Indeed, a new revenue source for the airlines is to have these additional charges. That is not what this Senator is arguing with, as long as those fees are properly and clearly disclosed.

Let me give you another example. Last year, on the FAA bill we passed into law, it required the Department of Transportation to implement two basic rules to protect airline customers—two very simple rules. The first was, if you have checked a bag and you have paid the airline a certain amount of money to check that bag, what happens if your bag doesn't arrive or if it is delayed beyond a certain number of hours? Shouldn't the airline, at least, refund that fee you paid for that bag to be delivered in a timely fashion? Well, it is a pretty simple concept. If you pay \$50 for a checked bag, you expect it to arrive with you, and if it doesn't, you should get an automatic refund. That is common sense, but the Department of Transportation hasn't done anything on that, and it is in the law. It is in the law we passed last year.

I will give you another example. The second requirement we put in last year's FAA bill is that airlines, when they seat children 13 or under, put them adjacent to a parent or an older sibling traveling with them. So the Department of Transportation, earlier in the year, designed a rule to ensure that parents would not have to fork over money for a preferred seat just to be able to sit next to their child.

The Department of Transportation was supposed to have finalized both of these rules by July of this year, but to date they have done nothing. Consumers traveling during the holidays are going to have the experience, if your bag doesn't show, since the rule hasn't been put in place by the Department of Transportation, even though it is the law that was passed last year—what is going to happen? Passengers

with delayed bags will be losing out on the money they paid to check their bag, even if it doesn't get to them in a timely fashion.

What is going to happen to the parent with the underaged child? They are going to be boarding planes wondering if they will be able to beg someone to give up their seat just to sit next to their child, even though that may be a preferred seat; in other words, a seat that costs more money.

Just about everyone else will be left playing airline fee roulette, not knowing what the new fee is that they are going to have to pay just to get the basic service. It is so common sense, why do we have to fight about this? We are not arguing that the airline doesn't have the right to charge the fee; we just want it disclosed to the person who is purchasing that ticket. It doesn't have to be the way it is now because consumers should have a right to know ahead of time what they are paying, and then they can compare options. When an airline charges a fee for a service, if they failed to deliver that service, passengers ought to get their money back. This is called basic fairness, but that is not what we are seeing out there.

I urge the leadership of the Department of Transportation—Secretary Chao and her staff—to go ahead and implement those two regulations that emanate from the law we passed and to do it quickly. I urge the Department of Transportation to treat airline passengers like they ought to be treated, which is as valued customers during this holiday season, as in every season.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MORAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Leonard Steven Grasz, of Nebraska, to be the United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination

of Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 312 Ex.]

YEAS—48

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Collins	Hoeven	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Strange
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Enzi	McConnell	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—47

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	

NOT VOTING—5

Blunt	McCain	Schatz
Cochran	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 47.

The motion is agreed to.

The Senator from North Dakota.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. HOEVEN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)